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Total Number of Pages in This Submission

3

Application Number 10/634,206

Filing Date August 5, 2003

First Named Inventor Russell Powers et al.

Art Unit 3738

Examiner Name Brian E. Pellegrino

Attorney Docket Number MSDI-196 (PC934.00)

ENCLOSURES (Check all that apply)

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| Firm Name | Krieg DeVault LLP | | |
| Signature | | | |
| Printed name | Brad A. Schepers | | |
| Date | July 11, 2005 | Reg. No. | 45,431 |

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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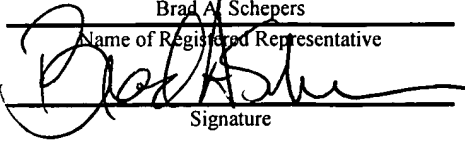
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------------------------|---|---------------------|
| In re patent application of: |) | Before the Examiner |
| Russell Powers et al. |) | Brian E. Pellegrino |
| |) | |
| Application Serial No. 10/634,206 |) | Group Art Unit 3738 |
| |) | |
| Filed August 5, 2003 |) | Ref. No. MSDI-196 |
| |) | |
| SURGICAL KIT AND METHOD FOR |) | |
| PROVIDING STERILIZED EQUIPMENT FOR |) | |
| USE IN SPINAL SURGERY |) | |

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121

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In response to the Office Action dated June 10, 2005, please enter and consider the following amendments and remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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